

117TH CONGRESS
2D SESSION

S. _____

To amend the Federal Water Pollution Control Act to reauthorize the South Florida Geographic Program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. RUBIO introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Federal Water Pollution Control Act to reauthorize the South Florida Geographic Program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “South Florida Eco-
5 system Enhancement Act of 2022”.

6 **SEC. 2. SOUTH FLORIDA PROGRAM.**

7 Title I of the Federal Water Pollution Control Act
8 (33 U.S.C. 1251 et seq.) is amended by adding at the end
9 the following:

1 **“SEC. 125. SOUTH FLORIDA.**

2 “(a) DEFINITIONS.—In this section:

3 “(1) SCIENCE COORDINATION GROUP.—The
4 term ‘Science Coordination Group’ means the South
5 Florida Ecosystem Restoration Science Coordination
6 Group established to support the South Florida Eco-
7 system Restoration Task Force.

8 “(2) SENIOR ADVISOR.—The term ‘Senior Advi-
9 sor’ means the Senior Advisor of the South Florida
10 Program.

11 “(3) SOUTH FLORIDA.—The term ‘South Flor-
12 ida’ means—

13 “(A) all land and water within the admin-
14 istrative boundaries of the South Florida Water
15 Management District and adjacent coastal
16 waterbodies, including all coastal water land-
17 ward of Florida’s Coral Reef; and

18 “(B) Florida’s Coral Reef and the associ-
19 ated patch reef, hard-bottom, and seagrass re-
20 sources.

21 “(4) SOUTH FLORIDA ECOSYSTEM RESTORA-
22 TION TASK FORCE.—The term ‘South Florida Eco-
23 system Task Force’ means the South Florida Eco-
24 system Restoration Task Force established by sec-
25 tion 528(f)(1) of the Water Resources Development
26 Act of 1996 (Public Law 104–303; 110 Stat. 3771).

1 “(5) SOUTH FLORIDA ECOSYSTEM RESTORA-
2 TION WORKING GROUP.—The term ‘South Florida
3 Ecosystem Working Group’ means the working
4 group established by the South Florida Ecosystem
5 Task Force pursuant to section 528(f)(2)(D) of the
6 Water Resources Development Act of 1996 (Public
7 Law 104–303; 110 Stat 3771).

8 “(6) SOUTH FLORIDA PROGRAM.—The term
9 ‘South Florida Program’ means the South Florida
10 Program established within the Water Division of
11 the Region 4 Office of the Environmental Protection
12 Agency.

13 “(b) SOUTH FLORIDA ECOSYSTEM RESTORATION
14 WORKING GROUP.—The Senior Advisor shall serve as the
15 representative of the Environmental Protection Agency on
16 the South Florida Ecosystem Restoration Working Group.

17 “(c) GRANT PROGRAM.—

18 “(1) ESTABLISHMENT.—Not later than 180
19 days after the date of enactment of the South Flor-
20 ida Ecosystem Enhancement Act of 2022, the Senior
21 Advisor shall establish a grant program (referred to
22 in this subsection as the ‘grant program’) to carry
23 out projects to monitor, enhance, or restore water
24 quality, wetlands, aquatic ecosystems, or marine
25 habitat—

1 “(A) in South Florida; and

2 “(B) outside of South Florida but within
3 the study area boundaries of—

4 “(i) the Indian River Lagoon National
5 Estuary Program authorized under section
6 320; and

7 “(ii) the Coastal and Heartland Na-
8 tional Estuary Partnership authorized
9 under that section.

10 “(2) ELIGIBLE ENTITIES.—An entity eligible to
11 receive a grant under the grant program is—

12 “(A) a State agency;

13 “(B) a unit of local government;

14 “(C) an institution of higher education;

15 “(D) a federally recognized Indian Tribe;

16 and

17 “(E) an entity that is described in section
18 501(c)(3) of the Internal Revenue Code of 1986
19 and exempt from taxation under section 501(c)
20 of that Code.

21 “(3) SELECTION.—

22 “(A) APPLICATION.—An eligible entity
23 seeking a grant under the grant program shall
24 submit to the Senior Advisor an application at

1 such time, in such manner, and containing such
2 information as the Senior Advisor may require.

3 “(B) LIMITATIONS.—

4 “(i) LOCATION OF PROJECTS.—Not
5 more than 15 percent of the amounts
6 made available to carry out this subsection
7 for each fiscal year may be awarded for
8 projects that would be carried out in loca-
9 tions described in paragraph (1)(B).

10 “(ii) OTHER SOURCES OF FUNDING.—

11 “(I) IN GENERAL.—Subject to
12 subclause (II), in selecting recipients
13 of grants under the grant program,
14 the Senior Advisor may not award a
15 grant to carry out a water infrastruc-
16 ture activity that has received assist-
17 ance—

18 “(aa) from a State water
19 pollution control revolving fund
20 established under title VI;

21 “(bb) from a State drinking
22 water treatment revolving loan
23 fund established under section
24 1452 of the Safe Drinking Water
25 Act (42 U.S.C. 300j–12); or

1 “(cc) pursuant to the Water
2 Infrastructure Finance and Inno-
3 vation Act of 2014 (33 U.S.C.
4 3901 et seq.).

5 “(II) EXCEPTION.—The Senior
6 Advisor may award a grant under the
7 grant program to carry out a sepa-
8 rable component of a project described
9 in subclause (I) if grant funds would
10 be used to construct natural features
11 and nature-based features (as those
12 terms are defined in section 1184(a)
13 of the Water Infrastructure Improve-
14 ments for the Nation Act (33 U.S.C.
15 2289a(a))), or to conduct an eco-
16 system restoration project, that im-
17 proves habitat and other ecosystem
18 functions.

19 “(4) ALLOCATION.—Of the amounts made
20 available to carry out this section each fiscal year,
21 not less than 33 percent shall be used to carry out
22 this subsection.

23 “(d) SUPPORT FOR SOUTH FLORIDA ECOSYSTEM
24 RESTORATION SPECIAL PROJECTS AND ACTIVITIES.—

1 “(1) INTERAGENCY AGREEMENT.—The Senior
2 Advisor shall, on an annual basis, develop and exe-
3 cute interagency agreements or cooperative agree-
4 ments with appropriate Federal, State, local, or
5 Tribal agencies to provide funding for 1 or more
6 special projects or activities within South Florida on
7 the recommendation of the South Florida Ecosystem
8 Restoration Task Force.

9 “(2) COORDINATION.—The Senior Advisor shall
10 coordinate with the Senior Advisor of the Office of
11 Everglades Restoration Initiatives of the Depart-
12 ment of the Interior to annually solicit and receive
13 a priority list of special projects or activities that en-
14 hance the capacity of Federal, State, local, or Tribal
15 agencies participating in the South Florida Eco-
16 system Restoration Task Force, the South Florida
17 Ecosystem Restoration Working Group, and the
18 Science Coordination Group to fulfill the mandate
19 under section 528 of the Water Resources Develop-
20 ment Act of 1996 (Public Law 104–303; 110 Stat.
21 3767), title VI of the Water Resources Development
22 Act of 2000 (Public Law 106–541; 114 Stat. 2680),
23 and other applicable law to restore the South Flor-
24 ida ecosystem.

1 “(3) ALLOCATION.—Of the amounts made
2 available to carry out this section each fiscal year,
3 not less than 50 percent shall be used to carry out
4 this subsection.

5 “(e) EDUCATION GRANTS.—

6 “(1) ESTABLISHMENT.—Not later than 180
7 days after the date of enactment of the South Flor-
8 ida Ecosystem Enhancement Act of 2022, the Senior
9 Advisor shall establish an education grant program
10 (referred to in this subsection as the ‘grant pro-
11 gram’) to support educational and environmental lit-
12 eracy efforts focused on regional bodies of water in
13 South Florida.

14 “(2) ELIGIBLE ENTITIES.—An entity eligible to
15 receive a grant under the grant program is an entity
16 focused on public engagement, environmental lit-
17 eracy, or education efforts that is—

18 “(A) a State, local, or Tribal government
19 entity, including a public school district;

20 “(B) an entity that is described in section
21 501(c)(3) of the Internal Revenue Code of 1986
22 and exempt from taxation under section 501(c)
23 of that Code; or

24 “(C) an institution of higher education.

1 “(3) USE OF FUNDS.—Each fiscal year, the
2 Senior Advisor shall award grants under the grant
3 program for public engagement, environmental lit-
4 eracy, and education efforts with respect to any of
5 the following:

6 “(A) Biscayne Bay.

7 “(B) Caloosahatchee River and Estuary.

8 “(C) Charlotte Harbor.

9 “(D) The Everglades.

10 “(E) Everglades Headwaters.

11 “(F) Florida Bay.

12 “(G) Florida’s Coral Reef.

13 “(H) Lake Okeechobee.

14 “(I) Loxahatchee River and Lake Worth
15 Lagoon.

16 “(J) Indian River Lagoon.

17 “(K) St. Lucie River and Estuary.

18 “(4) SELECTION.—

19 “(A) APPLICATION.—An eligible entity
20 seeking a grant under the grant program shall
21 submit to the Senior Advisor an application at
22 such time, in such manner, and containing such
23 information as the Senior Advisor may require.

24 “(B) PRIORITY CONSIDERATION.—In se-
25 lecting entities to be awarded grants under the

1 grant program, the Senior Advisor shall give
2 priority to applications that seek to fund field
3 trips for socially disadvantaged students in pub-
4 lic elementary schools and public secondary
5 schools to access publicly protected lands and
6 natural resources.

7 “(5) COST-SHARE.—

8 “(A) IN GENERAL.—Subject to subpara-
9 graph (B), the Federal share of a project car-
10 ried out using a grant under the grant program
11 may not exceed 50 percent of the total cost of
12 the project.

13 “(B) WAIVER.—The Senior Advisor may
14 waive the Federal share requirement under sub-
15 paragraph (A) for projects carried out to sup-
16 port efforts described in paragraph (4)(B).

17 “(6) ALLOCATION.—Of the amounts made
18 available to carry out this section each fiscal year,
19 the Senior Advisor may use not more than 1 percent
20 to carry out this subsection.

21 “(f) AUTHORIZATION OF APPROPRIATIONS.—

22 “(1) IN GENERAL.—There is authorized to be
23 appropriated to the Administrator \$50,000,000 for
24 each of fiscal years 2022 through 2026 to carry out
25 this section.

1 “(2) ADMINISTRATIVE COSTS.—Of the amounts
2 made available to carry out this section under para-
3 graph (1) each fiscal year, the Senior Advisor may
4 use not more than 2 percent for administrative
5 costs.”.